

[counsel identified on signature page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RAMBUS INC.,

Plaintiff,

v.

NVIDIA CORPORATION,

Defendant.

and

NVIDIA CORPORATION

Plaintiff,

v.

RAMBUS, INC.,

Defendant.

Case No. C-08-03343 SI

Case No. C-08-05500 SI

**STIPULATION AND [PROPOSED]
ORDER**

1 Rambus Inc. and NVIDIA Corporation (collectively, the “Parties”) hereby submit the
2 following joint stipulation and proposed order:

3 WHEREAS, the Court entered a Protective Order on April 21, 2009 (Docket No. 124):

4 WHEREAS, the Parties are involved in a related proceeding pending in the International
5 Trade Commission (the “ITC Action”);

6 WHEREAS, the Court entered Orders on April 13, 2009 and June 18, 2009 (“Discovery
7 Orders”) governing discovery in this case, which among other things implemented an initial
8 phase of discovery limited to document production from other proceedings, including but not
9 limited to the ITC Action;

10 WHEREAS, on August 5, 2009, the Court ordered, pursuant to the Parties’ stipulation,
11 that the initial phase of discovery should continue until the February 12, 2010 case management
12 conference in part because an initial determination in the ITC Action is due to be issued on
13 January 22, 2010;

14 WHEREAS, the Parties are meeting and conferring regarding NVIDIA’s proposals to
15 amend the Court’s April 21, 2009 Protective Order, including without limitation paragraph 7.3(b)
16 regarding in-house counsel access to information that is designated “HIGHLY CONFIDENTIAL
17 – ATTORNEYS’ EYES ONLY” pursuant to the Protective Order;

18 WHEREAS, NVIDIA and Rambus each represent that none of their in-house counsel has
19 accessed the other party’s materials designated “HIGHLY CONFIDENTIAL – ATTORNEYS’
20 EYES ONLY” in this action; and

21 WHEREAS, the Parties intend to further minimize burden and inefficiency by reaching a
22 stipulation without the need to engage in motion practice at this time to resolve any dispute
23 regarding the Protective Order;

24 WHEREAS, the parties agree that the case management conference scheduled for
25 February 12, 2010, at 3:00 pm should be rescheduled to March 12, 2010, at 3:00 pm, and that the
26 case management statement should be filed no later than March 5, 2010;

27 WHEREAS, the parties agree that the initial phase of discovery should continue until the
28 March 12, 2010 case management conference;

1 Rambus and NVIDIA hereby stipulate as follows:

2 1. The case management conference scheduled for February 12, 2010, at 3:00 pm
3 should be rescheduled for March 12, 2010, at 3:00 pm, and the case management statement
4 should be filed no later than March 5, 2010;

5 2. The initial phase of discovery should continue until the March 12, 2010 case
6 management conference;

7 3. Notwithstanding the Protective Order's provision to the contrary, materials that are
8 designated "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" shall not be made
9 available to in-house counsel for any party before March 16, 2010, unless the parties otherwise
10 agree or the Court so orders. If the March 16, 2010 date is not extended by stipulation or a Court
11 order and a party files no later than March 15, 2010, a motion to amend the Protective Order with
12 respect to in-house counsel access, this paragraph 3 shall remain in effect until final resolution of
13 the motion, including any and all appeals to the district court of the Special Master's ruling on
14 that motion.

15 4. In view of the Stipulation addressing discovery matters in the interim, neither party
16 may file a motion in this matter until March 1, 2010.

17 5. Nothing in this Stipulation affects a party's right, pursuant to the terms of the
18 Protective Order, to challenge the designation of a document as "HIGHLY CONFIDENTIAL –
19 ATTORNEYS' EYES ONLY."

20 Dated: January 21, 2010

ORRICK, HERRINGTON & SUTCLIFFE LLP

21
22 /s/ David M. Goldstein

23 David M. Goldstein
24 Attorneys for NVIDIA Corporation

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1 Dated: January 21, 2010

MCKOOL SMITH

3 /s/ Pierre Hubert

4 Pierre Hubert
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9
10 **SO ORDERED:**

11 Dated: January __, 2010



12 HONORABLE SUSAN ILLSTON
United States District Judge

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